

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

CRAIG CUNNINGHAM

v.

PROFESSIONAL EDUCATION
INSTITUTE, INC., ET AL.

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Civil Action No. 4:17-CV-894

(Judge Mazzant/Judge Nowak)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On November 5, 2018, the report of the Magistrate Judge (Dkt. #61) was entered containing proposed findings of fact and recommendations that Defendants Professional Education Institute, Inc. (“PEI”), Michael Hussey, and American Marketing Systems, Inc.’s (“AMS”) Motion to Dismiss (Dkt. #54) and Defendants Amazology, LLC and Mike Novielli’s Motion to Dismiss (Dkt. #55) be granted in part and denied part.

Having received the report of the Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendants Professional Education Institute, Inc., Michael Hussey, and American Marketing Systems, Inc.’s Motion to Dismiss (Dkt. #54) and Defendants Amazology, LLC and Mike Novielli’s Motion to Dismiss (Dkt. #55) are each **GRANTED IN PART AND DENIED IN PART**. Specifically, Plaintiff’s claims under section 227(c) of the TCPA and claims for invasion of privacy against all Defendants and the entirety of Plaintiff’s claims against Defendants Michael Hussey and Mike Novielli are **DISMISSED**.

It is further **ORDERED** that within fourteen (14) days of the date of this Memorandum, Plaintiff shall file an Amended Complaint with respect to his 227(b) claims against each of Defendants AMS and Amazology, LLC.

IT IS SO ORDERED.

SIGNED this 20th day of December, 2018.

A handwritten signature in black ink, reading "Amos Mazzant", written over a horizontal line.

AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE